



An
Bord
Pleanála

Board Direction
BD-003077-19
ABP-303525-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/05/2019.

The Board decided to make a split decision, to

(1) grant permission for retention of demolition of dwelling house.

for the reasons and considerations marked (1) under and subject to the condition set out below, and

(2) refuse permission for retention and completion of dwelling house under construction and permission for retention of hardcore area around dwelling house and permission to install a wastewater treatment system.

for the reasons and considerations marked (2) under.

In deciding not to accept the Inspector's recommendation to refuse permission for the retention of the demolition of dwelling house, the Board considered that, having regard to the information set out in the application in relation to works already carried out at the site to date, including the removal of the dwelling house, and to information set out in the application regarding the structural quality and condition of the dwelling house, the Board concluded that a grant of permission should issue for the retention of the demolition of the dwelling house.

Reasons and Considerations (1)

Having regard to the completed demolition works at the site, to the information submitted with the planning application regarding the structural quality and condition of the dwelling house since demolished, it is considered that, subject to compliance with the conditions below, the retention of demolition of the dwelling house would not unduly impact on the amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Condition.

1.

This permission relates solely to the retention of demolition of the dwelling house previously on site, as described in the statutory notice, and confers no permission for any other aspect of development, either proposed or for retention on site.

Reason: In the interest of clarity.

Reasons and Considerations (2).

1.

The site is located within a stronger rural area as set out in the '*Sustainable Rural Housing Guidelines for Planning Authorities*' issued by the Department of the Environment, Heritage and Local Government in April 2005 and in an area where the relevant provisions of the Cork County Development 2014, RCI -1 (discourage urban generated housing in rural areas), RCI-2 (facilitate those with a rural generated housing need), apply. The site is also within the greenbelt surrounding Mitchelstown. The Cork County Development Plan 2014 notes that greenbelt areas are under significant urban pressure for rural housing. Policy GB1-2 of the Fermoy Municipal District Local Area Plan, 2017, provides for a potential allowance for a limited number of individual houses providing, *inter alia*, the proposal is consistent with the proper planning and sustainable development of the area. Having regard to the Ministerial Guidelines and to the totality of applicable development plan policy, and to the documentation submitted with the planning application and appeal, the Board is not satisfied that the applicant has a demonstrable economic or social need to live in this rural area. It is considered, therefore, that the applicant does not come

within the scope of rural housing need criteria as set out in the Guidelines and in national policy, including the National Planning Framework, for a house at this location. The proposed development would, therefore, be contrary to the Ministerial Guidelines and to the over-arching national policy, having regard also to the relevant provisions of the Cork County Development Plan 2014. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area.

2.

It is considered that, taken in conjunction with existing development in the vicinity, the proposed development would result in an excessive concentration of individual wastewater treatment systems in the area. The Board is not satisfied on the basis of the information submitted with the planning application that the proposed development would not have an adverse effect on groundwater. The proposed development would, therefore, be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area

Board Member:

Chris McGarry

Date: 17/05/2019